

### **AMENDMENTS TO THE CLAIMS**

*This listing of claims will replace all prior versions and listings of claims in this application.*

#### **LISTING OF CLAIMS:**

1. (Currently Amended) An occupant determining device, comprising:
  - a load detecting sensor provided on a seat body; and
  - a controller calculating a detected load value based on an output value of the load detecting sensor and performing occupant determination based on the detected load value,

wherein the controller sets a first determination threshold and a second determination threshold larger than the first determination threshold,

wherein if the detected load value falls between the first and second determination thresholds and continues for a first time duration, the controller switches an occupant determination state to an adult determination state, and

wherein if the detected load value exceeds the second determination threshold and continues for a second time duration which is shorter than the first time duration, the controller switches the occupant determination state to the adult determination state.

~~occupant determination state is switched to an adult determination state when a certain delaying time elapses after the detected load value exceeds a determination threshold, wherein the controller sets plural determination thresholds, and the larger each determination threshold being exceeded by the detected load value is, the shorter the delaying time is set.~~

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Currently Amended) An occupant determining device, comprising:

a load detecting sensor provided at a seat; and

a controller calculating a detected load value based on an output value of the load detecting sensor and performing occupant determination based on the detected load value,

wherein the controller sets a first determination threshold and a second determination threshold larger than the first determination threshold,

wherein if the detected load value falls between the first and second determination thresholds and continues for a first time duration, the controller switches an occupant determination state to an adult determination state from a child determination state, and

wherein if the detected load value exceeds the second determination threshold and continues for a second time duration which is shorter than the first time duration, the controller switches the occupant determination state to the adult determination state from the child determination state. ~~the occupant determination state is switched to a child determination state when a certain delaying time elapses after the detected load value becomes smaller than a determination threshold, wherein the controller~~

~~sets plural determination thresholds, and the smaller each determination threshold is, the shorter the delaying time is set.~~

6. (New) An occupant determining device, comprising:

a load detecting sensor provided on a seat body to detect a load applied by an occupant to a seat;

a controller which calculates a detected load value based on an output value of the load detecting sensor and performs occupant setting in which an occupant determination state is set based on the detected load value detected by the load detecting sensor;

the controller changing the occupant determination state to the adult determination state when the detected load value is between a first determination threshold and a second determination threshold for a first time duration, the second determination threshold being larger than the first determination threshold;

the controller changing the occupant determination state to the adult determination state when the detected load value exceeds the second determination threshold for a second time duration; and

the controller changing the occupant determination state to the adult determination state sooner when the detected load value exceeds the second determination threshold for the second time duration than when the detected load value is between the first and second determination thresholds for the first time duration.